



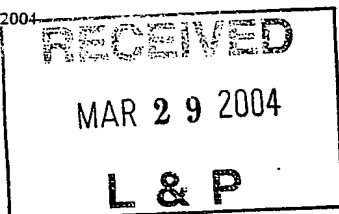
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/351,966	01/27/2003	Aaharon Yaffe	U 014394-7	7527

7590
Julian H. Cohen
Ladas & Parry
26 West 61 Street
New York, NY 10023

03/24/2004



EXAMINER

VASUDEVA, AJAY

ART UNIT PAPER NUMBER

3617

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/351,966

Applicant(s)

YAFFE, AAHARON

Examiner

Ajay Vasudeva

Art Unit

3617

mlk

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 27-38 and 42-50 is/are rejected.
- 7) ☐ Claim(s) 18-26 and 39-41 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-14, 17, 28-34, 38 and 43-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claims 1, 17, 28, 38, 43, 45, 47 and 49, applicant claims an apparatus or a method of a selective filling of sea water enclosures in order to cause expulsion of fresh water/light liquid against the force of gravity. However, there is no explanation of a mechanism as to how such selectively filling of sea water enclosures is achieved, and therefore, one skilled in the art will be unable to make and/or use the invention as envisaged by the applicant.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Denis et al.

Denis et al. shows a sea transport apparatus, having a first flexible enclosure [1] and including a plurality of mutually spaced cross-section defining assemblies [8]. A plurality of second flexible enclosures [6] are disposed within the first enclosure (col. 4, lines 3-4) and are disposed intermediate adjacent pairs of the cross-section defining assemblies (see fig. 4).

Although Denis et al. does not specifically disclose the second enclosures as containing sea water, applicant may note the plurality of second enclosures are considered capable of containing sea water and therefore meet the limitation of the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 14, 28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP (0030900 A1).

EP ('900) shows an apparatus for sea transportation of dissimilar liquids in a single hold of a ship. A first liquid-accommodating enclosure [4] is provided with an opening [5]. A plurality of second liquid-accommodating enclosures [6, 7, 8] are disposed within the first enclosure, each having an opening [9, 10, 11], respectively.

Although none of the enclosure openings are shown as comprising valves, the Examiner takes Official Notice that provision of such valves with the liquid-accommodating tanks is old and well known in the art. It would have been obvious for one skilled in the art to have provided

valves with each enclosure of the apparatus of EP ('900) because it would have allowed one to easily and quickly regulate the loading and unloading of liquids in the enclosures.

Further, although EP ('900) does not specifically disclose the first enclosure as containing fresh water or the second enclosures as containing sea water, applicant may note that storage of fresh water in the first enclosure and the sea water in the second enclosures is merely an intended use of the apparatus, and that the respective enclosures are capable of functioning as such. Therefore, the first enclosure is considered capable of containing fresh water, and the plurality of second enclosures are considered capable of containing sea water. The plurality of second enclosures, when filled with sea water, would force the fresh water out of the first enclosure.

7. Claims 16, 17, 27, 37, 38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denis et al.

Denis et al. shows a sea transport apparatus having first and second enclosures with openings (col. 5, lines 55-56), as above.

Denis et al. does not show the enclosure openings comprising valves.

As described above, the Examiner takes Official Notice that provision of valves with the fluid-accommodating tanks is old and well known in the art. It would have been obvious for one skilled in the art to have provided valves with each enclosure of the apparatus of Denis et al. for the reason described above in item # 6 of this Office Action. It is further noted that inflation of the second enclosures would cause at least partial evacuation of the contents of the first enclosure when the valve of the first enclosure is opened.

8. Claims 1, 2, 14-17, 27-29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB ('668) in view of EP ('900).

GB ('668) shows an apparatus for sea transportation of liquids, having a first flexible enclosure.

GB ('668) is silent on the provision of a plurality of second flexible enclosures disposed within the first flexible enclosure.

EP ('900) shows an apparatus for sea transportation of dissimilar liquids in a single hold of a ship, having a plurality of liquid-accommodating enclosures [6, 7, 8] disposed within a first enclosure, each having an opening [9, 10, 11], respectively.

It would have been obvious for one skilled in the art at the time of the invention to have modified the hull of GB ('668) by providing a plurality of liquid-accommodating enclosures disposed within the main flexible enclosure. Making such modification would have been advantageous as it would have allowed transportation of dissimilar liquids in single a single hull, thereby increasing the operational profitability.

The Examiner takes official notice that provision of valves with the fluid-accommodating tanks is old and well known in the art. It would have been obvious for one skilled in the art to have provided valves with each enclosure of the apparatus of GB ('668), as modified above, for the reason described above in item # 6 of this Office Action. It is further noted that inflation of the second enclosures would cause at least partial evacuation of the contents of the first enclosure when the valve of the first enclosure is opened.

Further, although modified GB ('668) does not specifically disclose the main flexible enclosure as containing fresh water or the second enclosures as containing sea water, applicant may note that storage of fresh water in the main flexible enclosure and the sea water in the second enclosures is merely an intended use of the apparatus, and that the respective enclosures are capable of functioning as such. Therefore, the first enclosure is considered capable of containing fresh water, and the plurality of second enclosures are considered capable of containing sea water. The plurality of second enclosures, when filled with sea water, would force the fresh water out of the first enclosure.

Allowable Subject Matter

9. Claims 18-26 and 39-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 43-50 would be allowable if the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action are overcome.

11. Claims 3-13 and 30-34 would be allowable if:

- the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action are overcome, and
- the claims are rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Fuquan, Hirose, Strain, Boudin, Capdevielle et al., Renoux, Hamilton, Roberts, Doerpinghaus, Stevens, Snoddy, Scott, Mumford, Japan (292), Soviet Union (891), France (458), Britain (138), Britain (984), Britain (229), Australia (671), and France (020) show apparatus for transporting fluids and having flexible enclosures.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (703) 306-5992. The examiner can normally be reached on Monday-Friday 1:00 pm--5:30 pm.

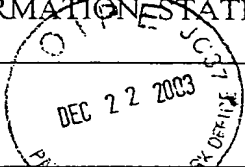
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva
Examiner
Art Unit 3617

AV

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OCT 14 2009
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FORM PTO-1449 (Colb)	ATTY DOCKET NO. U 014394-7	SERIAL NUMBER 10/351,966
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Aaharon YAFFE	EXAMINER (N/A)
	FILING DATE January 27, 2003	GROUP ART UNIT 3617

U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
AV	AA	3,067,712	12-1962	Doerpinghaus			
	AB	3,750,723	08-1973	Schirtzinger			
	AC	3,779,196	12-1973	Knaus, et al.			
	AD	4,227,477	10-1980	Preus			
	AE	4,399,768	08-1983	Tokushima, et al.			
	AF	4,881,482	11-1989	Sandwith, et al.			
	AG	5,010,837	04-1991	Hirose			
	AH	5,235,928	08-1993	Shank, Jr.			
AV	AI	5,355,819	10-1994	Hsia, et al.			


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FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
AV	AJ	CA 1321734	08-1993	CANADA			
AV	AK	JP 8058880	03-1996	JAPAN			

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AV	AL	"A Sober Approach to the Water Crisis in the Middle East", by Jad Isac, Applied Research Institute, Jerusalem, 2000.
AV	AM	"Drinking Water - Please Advice Needed", Norway, 1998.
EXAMINER: <i>Ajay Vamshi</i>		DATE CONSIDERED: 3/15/04
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

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U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
<i>N</i>	AA	5,413,065	05-1995	Spragg, et al.			
	AB	5,445,093	08-1995	Lilly, Jr.			
	AC	5,488,921	02-1996	Spragg			
	AD	5,971,039	10-1999	Webb			
	AE	6,047,655	04-2000	Cran			
	AF	5,678,285	10-1997	Germani			
	AG	6,082,931	07-2000	Hopper			
	AH	5,657,714	08-1997	Hsia, et al.			
<i>AV</i>	AI	5,425,323	06-1995	Amundsen			

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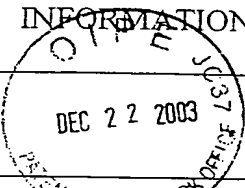
		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
<i>N</i>	AJ	NO 307097	03-2000	NORWAY			
<i>N</i>	AK	WO 01/92097	12-2001	PCT			

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

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EXAMINER: <i>Ajay Vannil</i>	DATE CONSIDERED: 3/15/04
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Date: DECEMBER 2003

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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Aaharon YAFFE	EXAMINER (N/A)
	FILING DATE January 27, 2003	GROUP ART UNIT 3617

U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
AV	AA	2,492,699	12-1949	Houwink			
AV	AB	3,477,401	11-1969	Hayama			
AV	AC	4,178,868	12-1979	Iizuka, et al.			
AV	AD	6,615,759	09-2003	Yaffe			
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FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AJ						
	AK						

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

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EXAMINER: <i>Amy V...</i>	DATE CONSIDERED: 3/15/04
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Notice of References Cited	Application/Control No. 10/351,966		Applicant(s)/Patent Under Reexamination YAFFE, AAHARON	
	Examiner Ajay Vasudeva		Art Unit 3617	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,921,421	07-1999	Fuquan, Liang	220/1.6
	B	US-5,375,549	12-1994	Hirose, Tokuzo	114/74R
	C	US-5,203,828	04-1993	Strain, Patrick J.	114/74R
	D	US-4,319,605	03-1982	Boudin, Jacques	137/590
	E	US-4,091,952	05-1978	Capdevielle et al.	220/530
	F	US-3,955,524	05-1976	Renoux, Charles Simon	114/74T
	G	US-3,922,985	12-1975	Hamilton, Ferris F.	114/74R
	H	US-3,356,251	12-1967	ROBERTS GEORGE S	220/495.07
	I	US-3,085,533	04-1963	GORYL WILLIAM M; et. al.	114/321
	J	US-3,067,712	12-1962	HANS DOERPINGHAUS ERNST	114/74T
	K	US-3,018,748	01-1962	LOUIS DENIS; et. al.	114/74T
	L	US-2,758,747	08-1956	STEVENS DONALD G	220/530
	M	US-2,696,185	12-1954	SNODDY WILLIAM J	114/74R

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	N	JP 03005292 A	01-1991	Japan	KIMURA, TOSHIHISA	B63B 25/08
	O	SU 1248891 A	08-1986	Soviet Union	KOCHKOVA, G R	B63B 35/28
	P	EP 30900 A	06-1981	European Patent	de TRINTINI, M	B63B 11/04
	Q	FR 2062458 A	06-1971	France	...	B63B 35/00
	R	GB 1118138	06-1968	Britain	...	114/74T
	S	GB 824984	12-1962	Britain	...	114/74T
	T	GB 874229	08-1961	Britain	...	114/74T

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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	Examiner Ajay Vasudeva	Art Unit 3617	Page 2 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2,391,926	01-1946	EDMISTON SCOTT WILLIAM	114/74T
	B	US-2,371,404	03-1945	JAMES MUMFORD IVOR ROSS	441/32
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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	N	SE 173496	11-1960	Sweden	...	114/74T
	O	AU 250671	04-1964	Australia	...	114/74T
	P	GB 837668	06-1960	Britain	...	114/74T
	Q	FR 1207020	08-1959	France	...	114/74T
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	S					
	T					

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